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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,201	08/22/2006	Jacques Thomasset	2590-163	5564
23117 7590 10/31/2008 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER				
AUGHENBAUGH, WALTER				
ART UNIT		PAPER NUMBER		
1794				
MAIL DATE		DELIVERY MODE		
10/31/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/590,201

Applicant(s)

THOMASSET, JACQUES

Examiner

WALTER B. AUGHENBAUGH

Art Unit

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE/IB)
Paper No(s)/Mail Date 8/22/06, 02/02/07, 7/02/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, claims 1-7, in the reply filed on July 16, 2008 is acknowledged.

Claim Objections

2. Claims 5 and 6 are objected to because of the following informalities: the language of claim 5 and 6 appears to be contradictory to the language of claim 1. If the second layer is "disposed between" the faces (claim 1), how can the "free ends" of the second layer be in contact with the outer side of the structure? Appropriate correction (or clarification) is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Hollis, Sr. (USPN 3,969,563).

In regard to claim 1, Hollis, Sr. teaches a synthetic resin multilayer structure having structure that corresponds to the structure claimed in claim 1. See Fig. 8-10 and accompanying description (including at col. 7, lines 25-59), and alternatively, see Fig. 2-7 and 11 and the accompanying description. The structure is a synthetic resin multilayer structure because it includes polymeric materials.

Art Unit: 1794

In regard to claim 2, all articles have at least one axis of symmetry. The articles depicted in Fig. 2-11 comprise an axis of symmetry.

In regard to claim 3, the articles depicted in Fig. 2-11 comprise a central orifice passing through the structure. For example, see Fig. spaces shown in Fig. 2, 4 and 5. Furthermore, Hollis, Sr. teaches that the article is formed into a fuel tank (col. 7, lines 44-49), and fuel tanks comprise a central orifice.

In regard to claim 4, Hollis, Sr. teaches that the article is formed into a fuel tank (col. 7, lines 44-49), and fuel tanks comprise a tube shoulder (at the opening of the tank), so the article of Hollis, Sr. forms a tube shoulder.

In regard to claim 5, Hollis, Sr. teaches that a free end of the second layer is in contact with the outer side of the structure at the level of one of the faces (see, for example, far left of Fig. 8, or any other location where the zig-zag portion is in contact with the face sheets where the ends of the zig-zag portion are the peaks and troughs of the zig-zag portion).

In regard to claim 6, Hollis, Sr. teaches that a free end of the second layer is in contact with the outer side of the structure at the level of the top face, and the other end is in contact with the outer side of the structure at the level of the bottom face (Fig. 8: any locations where the zig-zag portions is in contact with the face sheets where the ends of the zig-zag portion are the peaks and troughs of the zig-zag portion).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

Art Unit: 1794

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hollis, Sr. (USPN 3,969,563).

Hollis, Sr. teach the structure as discussed above in regard to claim 1. Hollis, Sr. teach that a resin 36 that corresponds to an adhesive fills the voids (the spaces between the zigs and the zags) in the zig zag layer (see, for example, col. 7, lines 25-31)

Hollis, Sr. fails to teach that the zig zag layer is (or comprises) a layer of barrier resin.

However since Hollis, Sr. teaches that the zig zag layer is a high strength material (see, for example, col. 7, lines 25-31), it would have been obvious to one of ordinary skill in the art at the time the invention was made to have replaced the metal of the zig zag layer with a barrier resin material of sufficient strength for the particular intended use of the structure.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter B. Aughenbaugh whose telephone number is (571)

Art Unit: 1794

272-1488. While the examiner sets his work schedule under the Increased Flexitime Policy, he can normally be reached on Monday-Friday from 8:45am to 5:15pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye, can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Walter B Aughenbaugh /
Examiner, Art Unit 1794

10/27/08